

Message Text

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PAGE 01 STATE 151096
ORIGIN ARA-14

INFO OCT-01 ISO-00 EB-07 L-03 TRSE-00 CAB-05 CIAE-00
COME-00 DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02
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TO AMEMBASSY NASSAU

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E.O. 11652: N/A

TAGS:EAIR, BH

SUBJECT:PRECLEARANCE LEGISLATION

REF: NASSAU 538, 311, 858

1. DEPARTMENT HAS RECEIVED ALTERNATE DRAFT FOUR OF
SUGGESTED PRECLEARANCE LEGISLATION IN BAHAMAS FROM CUSTOMS
REGIONAL COUNSEL IN MIAMI, DENNIS SNYDER. SNYDER SAYS
DRAFT HAS FULL APPROVAL OF REGIONAL COMMISSIONER OF
CUSTOMS, MIAMI, AND WASHINGTON HEADQUARTERS.

2. CUSTOMS AGREES WITH BAHAMIAN PER SEC RUSSELL THAT
MERE POSSESSION OF AN ARTICLE SHOULD NOT BE MADE CRIME
IN BAHAMAS. ACCORDINGLY, OBJECTIONABLE LANGUAGE IN
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 151096

PARAGRAPH TWO (A) (II) OF PREVIOUS DRAFT HAS BEEN DELETED.
CUSTOMS ALSO AGREES WITH PERM SEC RUSSELL THAT LEGISLATION
SHOULD REINFORCE POWER OF CUSTOMS OFFICER TO REFUSE
PRECLEARANCE TO PASSENGER. ACCORDINGLY NEW PARAGRAPH
FIVE HAS BEEN ADDED, AND PREVIOUS PARAGRAPHS FIVE AND SIX
RENUMBERED AS PARAGRAPHS SIX AND SEVEN RESPECTIVELY.

3. FOLLOWING IS SUGGESTED LANGUAGE OF ACT. BRACKETED PHRASES ALLOW BAHAMIAN AUTHORITIES TO CHOOSE OR SUBSTITUTE LANGUAGE CONFORMING TO BAHAMIAN LEGAL TERMINOLOGY.

4. QUOTE. AN ACT TO ESTABLISH CERTAIN OFFENSES IN CONNECTION WITH THE IMPLEMENTATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE COMMONWEALTH OF THE BAHAMAS ON PRECLEARANCE SIGNED AT NASSAU, 23 APRIL 1974.

(BE IT ENACTED...)

1. ANY PERSON BOARDING OR ATTEMPTING TO BOARD AN AIRCRAFT SUBJECT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE COMMONWEALTH OF THE BAHAMAS ON PRECLEARANCE SIGNED AT NASSAU, 23 APRIL 1974 SHALL BE LIABLE TO AN INSPECTION BY AN OFFICER OF A UNITED STATES INSPECTIONAL AGENCY OR A (PEACE OFFICER) (LAW ENFORCEMENT OFFICER) OF THIS COMMONWEALTH OF ALL HANDBAGS, LUGGAGE OR CONTAINERS OF ANY TYPE IN THE PASSENGERS POSSESSION TO DETERMINE IF HE IS IN THE POSSESSION OF ANY ITEM SPECIFIED IN 2 BELOW; PROVIDED FURTHER, THAT SUCH PERSON SHALL ALSO BE LIABLE TO A PERSONAL SEARCH BY A (PEACE OFFICER)(LAW ENFORCEMENT OFFICER) OF THIS COMMONWEALTH.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 151096

2. IT SHALL BE (UNLAWFUL) (AN INDICTABLE OFFENSE) - (A) FOR ANY PERSON TO BOARD OR ATTEMPT TO BOARD ANY AIRCRAFT SUBJECT TO SUCH AGREEMENT OR EXCHANGE OF NOTES IN POSSESSION OF: (I) MERCHANDISE OR ARTICLES WHICH HAVE BEEN FALSELY DECLARED OR NOT DECLARED TO INSPECTIONAL PERSONNEL OF THE UNITED STATES STATIONED IN THIS COMMONWEALTH IN ACCORDANCE WITH SUCH GOVERNMENT'S REQUIREMENTS; OR (II) DOCUMENTS RELEVANT TO HIS IMMIGRATION STATUS WHICH ARE FRAUDULENT OR MISUSED.

3. FOR THE PURPOSES OF THE FOREGOING: (A) AN ATTEMPT TO BOARD SHALL BE DEEMED TO HAVE OCCURRED AT THE TIME THAT AN INDIVIDUAL PRESENTS HIMSELF FOR CLEARANCE TO AN INSPECTOR OF THE UNITED STATES STATIONED IN THIS COMMONWEALTH, OR IN THE CASE OF A PERSON WHO FAILS TO PRESENT HIMSELF TO SUCH AN INSPECTOR, AT THE TIME HE BOARDS OR ATTEMPTS TO BOARD AN AIRCRAFT SUBJECT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE COMMONWEALTH OF THE BAHAMAS ON PRECLEARANCE SIGNED AT NASSAU ON 23 APRIL 1974. (B) A PERSON SHALL BE DEEMED TO BE IN POSSESSION OF ANY ARTICLE IF IT IS CARRIED ON HIS PERSON OR IN HIS BAGGAGE OR OTHER CONTAINER

BELONGING TO HIM OR IN HIS POSSESSION, INCLUDING HOLD
BAGGAGE AND OTHER CONTAINERS.

4. IT SHALL BE (UNLAWFUL) (AN INDICTABLE OFFENSE) FOR
ANY PERSON TO AID IN, OR TO FACILITATE IN ANY WAY, THE
COMMISSION OF AN OFFENSE SPECIFIED ABOVE.

5. IT SHALL BE (UNLAWFUL) (AN INDICTABLE OFFENSE) FOR ANY
PERSON TO BOARD OR ATTEMPT TO BOARD ANY AIRCRAFT SUBJECT
TO SUCH AGREEMENT OR EXCHANGE OF NOTES AFTER PERMISSION
TO BOARD HAS BEEN DENIED BY AN INSPECTOR OF THE UNITED
STATES STATIONED IN THIS COMMONWEALTH.

6. ANY MERCHANDISE OR ARTICLES POSSESSED IN VIOLATION OF
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UNCLASSIFIED

PAGE 04 STATE 151096

THE FOREGOING AND ANY CONTAINER USED IN CONNECTION THERE-
WITH SHALL BE SUBJECT TO SEIZURE AND FORFEITURE (IN THE
SAME MANNER AS SMUGGLED GOODS UNDER BAHAMAS LAW);
PROVIDED THAT, IF THE POSSESSION OF SUCH MERCHANDISE OR
ARTICLES IS NOT OTHERWISE PROHIBITED BY THE LAWS OF THIS
COMMONWEALTH SUCH MERCHANDISE OR ARTICLES SHALL BE
DELIVERED INTO THE CUSTODY OF THE UNITED STATES CUSTOMS
SERVICE FOR DISPOSITION UNDER THE LAWS AND REGULATIONS
OF THE UNITED STATES.

7. ANY PERSON WHO (KNOWINGLY AND WILLFULLY OR FRAUDULENTLY)
VIOLATES ANY OF THE FOREGOING PROVISIONS SHALL IN ADDITION
TO ANY PENALTIES OTHERWISE IMPOSED BY THE LAWS OF THIS
COMMONWEALTH AND IN ADDITION TO ANY OF THE SEIZURES AND
FORFEITURES PROVIDED ABOVE BE FINED NOT MORE THAN

DOLLARS (BLANK), OR IMPRISONED NOT MORE THAN (BLANK)

YEAR(S), OR BOTH. END QUOTE. VANCE

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Message Attributes

Automatic Decaptioning: X
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Sent Date: 29-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
Disposition Reason:
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Document Source: CORE
Document Unique ID: 00
Drafter: DEHENDERSON:NHM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770232-0602
Format: TEL
From: STATE
Handling Restrictions: n/a
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Secure: OPEN
Status: NATIVE
Subject: PRECLEARANCE LEGISLATION
TAGS: EAIR, BH
To: NASSAU
Type: TE
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